



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

AUG 20 2004

Facsimile and First Class Mail

Mr. Allan S. Bedwell
Deputy Secretary for Regulatory Programs
Florida Department of Environmental Protection
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Re: Enforcement Discretion for Hillsborough and Pinellas Counties, Florida

Dear Mr. Bedwell:

I am writing in response to the request of your staff that the United States Environmental Protection Agency (EPA) take appropriate actions regarding the volatility requirements that apply to gasoline sold in Hillsborough and Pinellas Counties, Florida, to address the gasoline shortages being experienced in those counties as a direct result of Hurricane Charley. As you know, under Clean Air Act (CAA) section 211(h), 42 U.S.C. § 7545(h), and the regulations promulgated thereunder at 40 C.F.R. Part 80, the gasoline sold in Hillsborough and Pinellas Counties, Florida, is required have a Reid vapor pressure (RVP) of no more than 7.8 pounds per square inch (psi) during the high ozone season. In the case of retail outlets, this volatility standard must be met during the period June 1 through September 15 each year.

Because of the current shortage of gasoline meeting the 7.8 psi RVP standard, EPA will exercise its enforcement discretion to temporarily allow regulated parties to supply gasoline meeting a RVP standard of 9.0 psi in Hillsborough and Pinellas Counties, Florida. This exercise of enforcement discretion is effective immediately and will continue until midnight on Friday, August 27, 2004. However, retail outlets or wholesale purchaser-consumers that receive 9.0 psi gasoline under the terms of this waiver may continue selling or dispensing this gasoline after August 27, 2004, until their supplies are depleted. If the shortage is expected to continue past August 27, 2004, we should be provided with forty-eight hours notice.

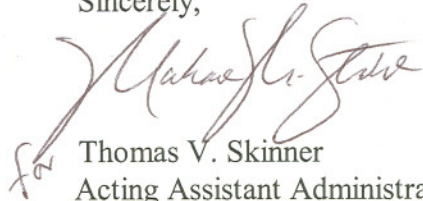
To the extent practicable, regulated parties must take all reasonable steps to provide compliant gasoline to these ozone non-attainment areas. If a regulated party elects to supply 9.0 psi gasoline to retail outlets or wholesale facilities in Hillsborough and Pinellas Counties under this letter, the party must submit a written report to EPA by no later than October 31, 2004,

which indicates the total volume of 9.0 psi gasoline supplied to these retailers and wholesale facilities on a per day basis. These reports must be sent to the following address:

Adam Kushner, Acting Director
Air Enforcement Division
Mail Code 2242A
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

If you have questions, please call Mr. George Lawrence, Chief, Mobile Source Enforcement Branch, at (202) 564-1307.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thomas V. Skinner", is written over a horizontal line. To the left of the signature, there is a small, stylized handwritten mark that looks like "for".

Thomas V. Skinner
Acting Assistant Administrator

cc: American Petroleum Institute
202-682-8031 (FAX)

National Petroleum Refiners Association
202-457-0486 (FAX)

Petroleum Marketers Association of America
703-351-9160 (FAX)